

**-- 2 Pages --**

**To: Vy Q. Bui, Group Art Unit 3731**

**VIA FACSIMILE  
(703) 872-9306**

August 17, 2004

Re: Applicant(s): Donohoe, Brendan M.  
Assignee: Cardica, Inc.  
Title: Method and Apparatus for Creating an Opening in the Wall of a Tubular Vessel  
Serial No.: 10/054,745  
Examiner: Vy Q. Bui  
Docket No.: 057

Filed: January 22, 2002  
Group Art Unit: 3731

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AUG 17 2004

Dear Examiner Pantuck:

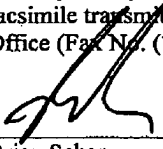
Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter; and
- (2) Election.

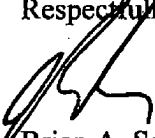
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:
- ☒ Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.
- ☒ Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.

**Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the U.S Patent and Trademark Office (Fax No. (703) 872-9306) on August 17, 2004.

  
Brian Schar

Respectfully submitted,

  
Brian A. Schar  
Attorney for Applicant(s)  
(650) 331-7162  
Reg. No. 45,076

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Donohoe, Brendan M.; et. al.

Assignee: Cardica, Inc.

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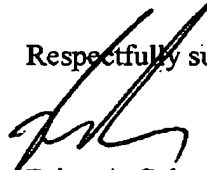
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**ELECTION**

This communication is in response to the Office Action of August 11, 2004.

Applicants elect Invention I, claims 1-53, without traverse. Applicants also elect Species I, Figures 1-2, with traverse. The Office Action admitted that at least claim 1 is generic, such that allowance of claim 1 would be as to both species. At least claims 1-15 and 17-51 read on Species I. At least claims 1-12 and 16-53 read on Species II. Because claim 17 reads on both Species I and Species II, claim 17 is generic as well, and Applicants request acknowledgement that claim 17 is generic.

Allowance of the pending claims is respectfully solicited. Please contact the undersigned if there are any questions.

Respectfully submitted,



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Chief Patent Counsel  
Cardica, Inc.